



## CITY OF LODI COUNCIL COMMUNICATION

**AGENDA TITLE:** Receive Report Regarding League of California Cities Communications Pertaining to Various Requests for Signature and Veto of Legislation

**MEETING DATE:** September 19, 2012

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Receive report regarding League of California Cities (League) communications pertaining to various requests for signature and veto of legislation.

**BACKGROUND INFORMATION:** The City received a request for communications from the League pertaining to various pieces of legislation submitted to the Governor for signature and veto. The requests for signature and veto, signed by the Mayor, were sent out immediately as the legislation was being considered by the Governor upon receipt of the request. A brief description of each piece of legislation is provided in the attached email.

The letters were sent out as requested on September 12, 2012 and this report is provided for informational purposes only.

**FISCAL IMPACT:** None.

**FUNDING AVAILABLE:** Not applicable.

A handwritten signature in black ink, appearing to be "Randi Johl", written over a horizontal line.

Randi Johl  
City Clerk

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APPROVED:

A handwritten signature in black ink, appearing to be "Konradt Bartlam", written over a horizontal line.

Konradt Bartlam, City Manager

## Randi Johl

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**From:** Randi Johl  
**Sent:** Wednesday, September 12, 2012 09:23 AM  
**To:** Randi Johl  
**Subject:** FW: URGENT: CALL TO ACTION: SIGNATURE AND VETO REQUESTS

**Importance:** High

**Attachments:** AB 2366 Requestfor Signature Sample Letter.docx; AB 2451 Veto Request Sample Letter.doc; SB 214 Requestfor Signature Sample Letter.doc; SB 965 Requestfor Signature Sample Letter.doc; AB 1098 Requestfor Signature Sample Letter.doc; AB 2298 Veto Request Sample Letter.doc; Signature and Veto Requests Action Alert.docx; AB 2031 Veto Request Sample Letter.docx



AB 2366 Request  
for Signature ...



AB 2451 Veto  
request Sample Le..



SB 214 Request for  
Signature S..



SB 965 Request for  
Signature S..



AB 1098 Request  
for Signature ...



AB 2298 Veto  
request Sample Le..



Signature and Veto  
Requests Ac..



AB 2031 Veto  
request Sample Le..

**Subject:** URGENT: CALL TO ACTION: SIGNATURE AND VETO REQUESTS  
**Importance:** High

Below please find a message from the League regarding bills that our legislative staff are requesting that cities send sign and vetoes letters to the Governor.

League staff has prepared sample letters for your city to sign and FAX to the Governor.

Please notify me when you fax the letters.

Thank you,

Stephen Qualls  
Central Valley Regional Public Affairs Manager  
League of California Cities

209-614-0118  
Fax 209-883-0653  
[squalls@cacities.org](mailto:squalls@cacities.org)<<mailto:squalls@cacities.org>>

To expand and protect local control for cities through education and advocacy in order to enhance the quality of life for all Californians.

<<http://www.cacities.org/AC>>

PLEASE DO NOT distribute political campaign advocacy information from public (city hall) computers, on city time, or using public resources, even if it's from your personal email account. If in doubt, check with your city attorney.

\*\*\*Disclaimer\*\*\*Please Note: Please take the following precautions if this email is about a CITIPAC event. Though it is not illegal for you to receive this notice via a city e-mail address, you should not respond to it or forward it using public resources. You may however forward this message to your non-public e-mail account for distribution on non-public time. If you have questions about the event or need additional information, please contact Mike Egan at (916) 658-8271 or [egan@cacities.org](mailto:egan@cacities.org)

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From: Samantha Caygill  
Sent: Tuesday, September 11, 2012 2:08 PM  
To: #Regional Reps  
Cc: Bismarck Obando; #Legislative Representatives; Eva Spiegel; Emily Cole; Adrienne Sprenger  
Subject: CALL TO ACTION: SIGNATURE AND VETO REQUESTS

ACTION ALERT!!

SIGNATURE AND VETO REQUESTS

The legislature wrapped up its **2011/12** session on Friday, August 31 and sent a number of bills to Governor Brown. The League of California Cities has identified the priority bills, and asks that cities not delay in sending signature and veto request letters. Please find brief descriptions below and sample letters for each attached.

A full list of sign and veto requests can be found [here<http://www.cacities.org/Top/News/News-Articles/2012/September/Bills-on-the-Governor's-Desk>](http://www.cacities.org/Top/News/News-Articles/2012/September/Bills-on-the-Governor's-Desk); however, the below list reflects those bills that would benefit from a higher volume of letters.

ACTION

Send faxed signature and veto request letters to Governor Jerry Brown as soon as possible (sample letters included): **916-558-3177**.

SIGNATURE REQUESTS

**SB 214** (Wolk) Infrastructure Financing Districts: Voter Approval: Repeal. This bill would remove the existing vote thresholds, authorizes rehabilitation and maintenance, and makes numerous other changes focused on making the tool more flexible. The author amended the bill to incorporate many amendments proposed by the League designed to make the bill more workable.

**SB 965** (Wright) State and Local Government. This bill would clarify that there is no prohibition on ex parte communications between members of the State Water Resources Control Board or the California Regional Water Quality Control Boards and the regulated community in connection with specific permit proceedings, including those involving the issuance or modification of general stormwater permits. The legislation will help cities communicate with water boards as permits are in development.

**AB 2366** (Eng) Vehicles: Equipment Violations: Parking Control Officers. This bill would update the state Vehicle Code related to "fix it" tickets making the basis for a penalty fine dependent on the type of violation instead of the type of issuing officer. **AB 2366** would increase the penalty fine associated with a "fix it" ticket from \$10 to **\$25** dollars when issued by a parking enforcement officer.

**AB 1098** (Carter) Vehicle License Fees: Allocation. This bill would restore critical vehicle license fee (VLF) revenue to cities that have recently incorporated or annexed inhabited lands. **AB 1098** does not restore all VLF funds swept under **SB 89 (2011)**, but will restore funds for newly incorporated cities and cities with annexed inhabited lands. Cities considering annexation of inhabited areas should also support this legislation.

VETO REQUESTS

**AB 2451** (Pérez) Workers' Compensation: Firefighters. This bill would dramatically increase workers' compensation costs for local governments by doubling the four-and-a-half year statute of limitations for specified death benefit claims for firefighters and peace officers.

AB 2298 (Solorio) Insurance: Public Safety Employees: Accidents. This bill would exempt certain public safety officers from a requirement to report accidents that occur in a personal vehicle to a personal insurance provider and instead report those accidents to the employer. This bill unnecessarily shifts the liability for automobile accidents from the employee to the employer.

AB 2031 (Fuentes) Probation: Community Corrections Program. This bill would expand membership on the local Community Corrections Partnerships and state Board of State and Community Corrections to include duplicative county sheriff and probation and social services representatives, further diluting the voice of cities.

CITY COUNCIL

JOANNE MOUNCE, Mayor  
ALAN NAKANISHI,  
Mayor Pro Tempore  
LARRY D. HANSEN  
BOB JOHNSON  
PHIL KATZAKIAN

# CITY OF LODI

CITY HALL, 221 WEST PINE STREET  
P.O. BOX 3006  
LODI, CALIFORNIA 95241-1910  
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[www.lodi.gov](http://www.lodi.gov) [cityclerk@lodi.gov](mailto:cityclerk@lodi.gov)

KONRADT BARTLAM,  
City Manager  
RANDI JOHL, City Clerk  
D. STEPHEN SCHWABAUER  
City Attorney

September 12, 2012

The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol Building, First Floor  
Sacramento California 95814  
Via Facsimile: 916-558-3177

SUBJECT: AB 2031 (Fuentes). Probation. Community Corrections Partnerships.  
**REQUEST FOR VETO**

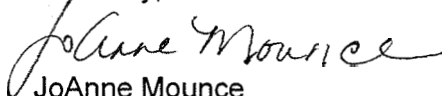
Dear Governor Brown:

The City of Lodi respectfully requests that you veto Assembly Bill 2031 (Fuentes) that would change the membership of the Community Corrections Partnership (CCP) and its executive committee as well as the Board of State and Community Corrections (BSCC). It is too early in the process to make changes to these important local and state bodies that will guide the 2011 Public Safety Realignment. In addition, it will further skew the membership against city representatives, which currently have one seat through an appointed police chief on each local CCP and the state BSCC.

AB 2031 would add additional positions to the existing CCPs and Board membership to include various rank-and-file members of county probation and sheriffs' departments as well as social service providers. The composition of these oversight bodies may need to be adjusted in the future. However, if the membership is opened up for new or different members, all interest groups should be included and not only the narrow focus of one interest.

The success of the 2011 Public Safety Realignment relies on strong partnerships between state and local agencies. Unfortunately, this measure would make hasty changes to the recently formed oversight bodies. For these reasons, we oppose AB 2031 and respectfully request a veto on this premature effort. Thank you for your consideration.

Sincerely,

  
JoAnne Mounce  
Mayor

C: June Clark, Office of the Governor (916-558-3177)  
Dan Carrigg, Legislative Director, League of California Cities (916-658-8240)

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Governor, State of California  
State Capitol Building, First Floor  
Sacramento California 95814  
Via Facsimile: 916-558-3177

**SUBJECT:    Request for Signature of AB 1098 (Carter) VLF Allocation**

Dear Governor Brown:

The City Lodi respectfully requests your signature on AB 1098.

This measure would rectify a critical problem affecting several of the state's recently incorporated cities and cities that annexed inhabited areas based on existing state policies.

In brief, this measure would allocate approximately \$18 million to several incorporated cities and cities with inhabited annexations. These communities were severely impacted by the loss of these revenues when SB 89 of 2011 passed without due process or transparency. Absent AB 1098, some of these cities will likely face disincorporation.

These funds are available because the new \$12 fee imposed by SB 89 is expected to generate approximately \$355 million, leaving more than enough revenue to accomplish the goals of this measure without having a negative impact on Department of Motor Vehicles administration.

To avoid additional harm to newly incorporated communities and cities with annexations, and in recognition of how this measure supports established state policies, the City of Lodi respectfully requests your Signature on **AB** 1098.

Sincerely,



JoAnne Mounce  
Mayor

C:      Dan Carrigg, Legislative Representative, League of California Cities (916-658-8240)  
         Camille Wagner, Deputy Legislative Secretary, Office of Governor (916-558-3177)

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Governor, State of California  
State Capitol Building, First Floor  
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Via Facsimile: 916-558-3177

**SUBJECT: SENATE BILL 965 SIGNATURE REQUEST**

Dear Governor Brown:

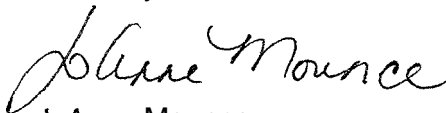
The City of Lodi requests your signature on SB 965 which will clarify there is no prohibition on *ex parte* communications between members of the State Water Resources Control Board or the California regional water quality boards (State Water Boards) and the regulated community in connection with specified permit proceedings, including those involving the issuance or modification of general storm water permits.

The clarification provided by this legislation is essential to remove a formidable obstacle that prevents the effective exchange of information between the Board and our organization. The challenges presented by the current format are detrimental to the effort to protect the waters of the State and the fiscal health of municipalities, water agencies and businesses throughout the State.

We have found the challenges created by the prohibition on *ex parte* communication rules to be counterproductive to our efforts of working with the Board in the development of effective and efficient solutions for meeting the increasing demands of the Clean Water Act and the stormwater permits.

For these reasons and to further the goal of creating a process that is efficient and produces effective outcomes, the City of Lodi supports SB 965.

Sincerely,



JoAnne Mounce  
Mayor

C: Kyra Ross, Legislative Representative, League of California Cities (916-658-8240)  
Senator Rod Wright (916-445-3712)

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September 12, 2012

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Governor, State of California  
State Capitol Building, First Floor  
Sacramento California 95814  
Via Facsimile: 916-558-3177

**SUBJECT: AB 2451 (Perez, John A.): Workers' Compensation: Firefighters and Peace Officers – REQUEST FOR VETO**

Dear Governor Brown,

The City of Lodi respectfully requests that you veto AB 2451 by Assembly Speaker John A. Pérez. AB 2451 would extend the statute of limitations from 240 weeks to 480 weeks for a presumptive death benefit claim for cancer, tuberculosis, or MRSA to be filed on behalf of a firefighter or peace officer.

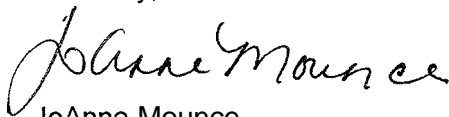
Under current law, death benefit claims for workers' compensation are to be commenced within one year of: the date of death when death occurs within one year from the date of injury; the date of the last furnishing of workers' compensation benefits when death occurs more than one year from the date of injury; or, the date of death when death occurs more than one year after the date of injury and workers' compensation benefits have been furnished. Current law additionally requires that no claims may commence unless the death has occurred within 240 weeks of the date of injury, with few exceptions.

While the August 20, 2012 amendments significantly narrow the bill's scope, it still doubles the statute of limitations for specific presumptive injuries. This increased benefit will impose additional costs on public employers at a time when we can least afford it and when we are struggling to provide the most basic services.

Additionally, we believe that AB 2451 erodes the original intent of the Workers' Compensation Act and subsequent reforms to the system enacted in 2004, designed to provide fair and timely benefits to injured employees at a reasonable cost to employers.

For these reasons, the City of Lodi requests that you veto AB 2451

Sincerely,



JoAnne Mounce  
Mayor

C: Speaker Perez (916-319-2146)

Natasha Karl, Legislative Representative, League of California Cities (916-658-8240)



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Sacramento California 95814  
Via Facsimile: 916-558-3177

**SUBJECT: AB 2366 (Eng) Equipment Violations: Parking Control Officers**  
**REQUEST FOR SIGNATURE**

Dear Governor Brown:

The City of Lodi respectfully requests your signature on Assembly Bill 2366 (Eng), which makes an important change to the state Vehicle Code related to "fix it" tickets.

AB 2366 would increase the penalty associated with a "fix it" ticket from \$10 to \$25 dollars per citation when issued by a parking enforcement officer, an authority they currently have as part of their duties. The current \$10 penalty was set over 18 years ago and has not been adjusted since. In comparison, when a peace officer issues a "fix it" ticket, it already carries the \$25 dollar fine.

Local jurisdictions have reported that this is one of many citations where the associated fine does not cover the actual cost of issuing that citation. These types of tickets help to ensure vehicle owners correct vehicle registration and obvious safety problems, such as a broken taillight. Police officers issue "fix it" tickets to bring vehicles up to standards that are important for the safety of drivers and other motorists. If the penalty remains at \$10, cities will have a disincentive to issue the "fix it" tickets and vehicles operating in potentially hazardous condition could remain unchecked.

We believe that a penalty fine should be based on the violation, not the title of the issuing officer. Therefore, the City of Lodi supports AB 2366 and respectfully requests that you sign this measure.

Sincerely,



JoAnne Mounce  
Mayor

C: The Honorable Mike Eng (916-319-2149)  
Brian Putler, Deputy Legislative Secretary, Office of Governor (916-558-3177)  
Dan Carrigg, Legislative Director, League of California Cities (916-658-8240)

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The Honorable Edmund G. Brown, Jr.  
Governor, State of California  
State Capitol Building, First Floor  
Sacramento California 95814  
Via Facsimile: 916-558-3177

**SUBJECT:    AB 2298 (SOLORIO) INSURANCE: PUBLIC SAFETY**  
**EMPLOYEES: ACCIDENTS. REQUEST FOR VETO**

Dear Governor Brown:

The City of Lodi respectfully requests that you veto Assembly Bill (**AB**) 2298 by Assembly Member Solorio, which proposes to exempt certain public safety officers from a requirement to report accidents that occur in a personal vehicle to a personal insurance provider and instead report those accidents to the employer. The amended language is nearly identical to AB 1551 (Torres) which was opposed by the League.

AB 2298 shifts liability for accidents involving personal vehicles from individuals to public employers (cities, counties, and the state). If enacted, employers of public safety personnel will face increased liability for employees who drive their personal vehicles for work purposes which will increase employers' insurance costs and already covered by mileage reimbursement rates.

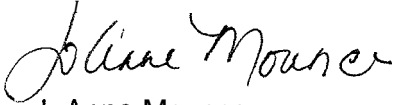
When employees use their personal vehicles for work purposes they are typically reimbursed at the Internal Revenue Service (IRS) established mileage rates or, in some cases, mileage rates that are negotiated with their employer. According to IRS guidelines, the standard mileage rate for business is based on an annual study of the "fixed and variable costs" of operating an automobile, which includes depreciation or lease payments, insurance, registration and license fees and personal property taxes.

Local jurisdictions have adopted policies and memoranda of understanding to address liability for accidents involving personal vehicles. These policies best reflect local priorities and circumstances. Some municipal employers have specifically negotiated this issue in their contracts with employees, others have adopted employment policies that state if a personal vehicle is used then personal insurance is primary with the employer's coverage as the excess provider. AB 2298's one-size-fits-all solution is unnecessary. If represented employees believe there is a problem, the local bargaining table is the appropriate place to address it.

Moreover, what is perhaps most troubling is the complete shift of indemnification and financial responsibility to the employer regardless of a driver's fault. The bill does not provide any exception to liability when the driver may have been driver negligently. It is terribly unreasonable to require public agencies to bear all responsibility in such cases.

For these reasons, the City of Lodi opposes AB 2298 and requests that you veto this bill.

Sincerely,

A handwritten signature in cursive script that reads "JoAnne Mounce".

JoAnne Mounce  
Mayor

C: Assembly Member Solorio (916-319-2069)

Natasha Karl, Legislative Representative, League of California Cities (916-658-8240)